IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Michael-Trent: Barnes,	USDC NO. 03-00502-SOM
Appellant/[C]itizen	USCA NO. _____
vs.	CERTIFICATE
	OF
UNITED STATES	APPEAL ABILITY
Appellee/Plaintiff	28 § 2253

CERTIFICATE OF APPEAL ABILITY PURSUANT TO 28 U.S.C. §2253
APPELLANT HAS BEEN DENIED TO "CHALLENGE JURISDICTION"
A "CONSTITUTIONAL REQUIREMENT"

[1.] Appellant, Michael-Trent: Barnes, moves this Honorable Court with a Certificate for Appeal ability, in good faith and without prejudice pursuant to your 28 U.S.C. § 2253; Appellant prays that Certicate of Appeal ability be Issued in this Cause. Appellant asserts fraud, bad faith, "denied juisdiction" a 'constitutional requirement', denied constitutional rights, denied due process of law, denied Common Law rights under force, threat, deceit and fraud by the court Usurper's/Actor's etal. Furthermore, the district court denied to prove in personam jurisdiction and denied/failed to show proof that appellant surrendered his status as a Common Law [C]itizen. Therefore, remand shall issue to correct the above said wanton, arbitrary, malicious and prejudice acts, because without jurisdiction being proven the Appellant is denied of his rights of Life, Liberty, Property and the pursuit of happiness.

[2.] Appellant, without counsel relying on Haines v. Kerner, 404 U.S. 519, for less stringent pleading standards, respectfully requests this Honorable Court Grant Certificate of Appeal ability in this cause in the interest of JUSTICE. In Support of this Certificate of Appeal ability, Appellant states:

[3.] Appellant has been denied constitutional rights because the district court denied proving in personam jurisdiction and appealant contends that

jurisdiction is more than a technical concept and is a constitutional requirement, case law supporting is numeous; 'See U.S. vs. JOHNSON., 337 F.2d 180 (affmd.) 86 s.ct 749, 383 U.S. 169, 15 L.Ed 681 cert Den. 87 S.CT 44, 134 and at 385 U.S. 846, 17 L.Ed 2d 117.

[4.] Appellant contends that by "Jurisdiction" is meant the authority of the federal courts to hear and decide a matter. Since the district court cannot proof jurisdiction in this matter 'NOW' after this cause is at BAR, appellant contends that the district court erred in not determining jurisdict prior to entertaining the cause and has falsely through coercion and error imprisoned Appellant.

[5.] The court's duty to resolve the jurisdiction of the court, regardless of who brings the action, the court must make a legal finding as to its authority to take venue and jurisdiction, before the court moves to entertain the cause before it. See 20 AM JUR 2d 60, 377. "THE GENERAL RULE IS THAT A PROCEEDING CONDUCTED OR DECISIONS MADE BY A COURT ARE LEGALLY VOID WHEN THERE IS AN ABSENCE OF JURISDICTION OVER THE SUBJECT MATTER. A COURT DEVOID OF JURISDICTION OVER THE CASE CANNOT MAKE A DECISION IN FAVOR OF EITHER PARTY, CANNOT DISMISS THE COMPLAINT FOR FAILURE TO STATE A CLAIM, AND CANNOT RENDER A SUMMARY JUDGEMENT. AS A DECISION WOULD BE ON THE MERITS OF THE ACTION. IT CAN ONLY DISMISS THE CASE FOR WANT OF JURISDICTION. HOWEVER, A COURT CAN SET ASIDE ORDERS IT MADE BEFORE THE WANT OF JURISDICTION WAS DISCOVERED, AND A JUDGEMENT BY A COURT WITHOUT JURISDICTION OVER SUBJECT MATTER CAN BE SET ASIDE AND VACATED AT ANY TIME BY THE COURT THAT RENDERED IT". (In part.)

[6.] Appellant asserts that the UNITED STATES by and through its agent, the Assistant U.S. Attorney lost its jurisdiction, once it failed to determine (prove) jurisdiction to hear this case at BAR before proceeding with a plea or trial within the U.S. District Court. (The U.S. District Court had an obligation to compel the Assistant U.S. Attorney to bring/ proof jurisdiction, in this instant the alledged indictment was even in a fictious name, ...in the best interest of justice a jurisdictional hearing should of been held.)

[7.] Appellant contends that the question-challenging jurisdiction, was "NEVER WAIVED" by the appellant/defendant. (In fact, I was thrown to my

seat, when I stated the court was whitout jurisdiction). It is well settled in the law that when jurisdiction of the court and of the United States is challenged, thus "ONUS PROBANDI IS THE ACTOR". Onus probandi burden of proving the burden of proof: "The strict meaning of the onus probandi," is that if no evidence is adduced by the party on whom the burden is cast, the issue must be found against him, DAVIS v. ROGERS, 1 Houst (del) 44. "Where jurisdiction is challenged it must be proved." HAGAN v. LAVINE, 415 U.S. 528 (1974). Because it is insufficient, that jurisdiction of the U.S. courts may be inferred argumentatively from averments in the pleadings it follows that the necessary factual predict may not be gleaned from the briefs and arguments themselves. This principle of federal jurisdiction applies whether that case is at the stages, or at the appellate stage.

[8.] Appellant contends that the court and government has "NOT" been granted jurisdiction through the constitution of the [u]nited States of America, to adjuicate matters beyond the legislative restrictions of the United States. The courts and government have "FAILED" to offer proof, or making findings and conclusions of law, as to the jurisdiction on the record, in the above-alleged criminal action. "A COURT CANNOT PROCEED AT ALL IN ANY CASE WITHOUT JURISDICTION BUT MUST ANNOUNCE THE FACT AND DISMISS THE CAUSE." See Ex Parte MC CARCLE, 7 wall 506, 19 Led. 264. Before considering each of the standing theories, it is appropriate to restate certain basic principles that limit the power of every federal court. Federal courts are not courts of general Jurisdiction; they have only the power that is authorized by Article III of the constitution (their contract/compact) and statutes enacted by congress pursuant thereto. See MARBURY v. MADISON., 1 cranch 137, 173-180, 2 L.Ed. 60 (1803). For that reason, every federal appellate court has a special obligation to "Satisfy itself not only of its jurisdiction, but also of the lower courts in a cause under review," even though the parties are prepared to concede it. MITCHELL v. MAURER, 293 U.S. 237, 244, 79 L.Ed. 338, 55 S.Ct. 162 (1934) See JUDICE v. VAIL, 430 U.S. 327, 331, 332, 51 L. Ed. 2d. 376, 97 S.Ct. 1211 (1977) (standing). "And if the record discloses that the lower court was without jurisdiction (SUCH AS IN THIS CASE) Appellate court will notice the defect, although the parties make no contention concerning it". See BENDER v. WILLIAMS PORT AREAS SCHOOL, without the limits prescribe is CORAM NON JUDICE AND ITS ACTIONS A NULLITY. See STATE OF RHODE ISLAND

Et.Al. V. COMMONWEALTH OF MASS., 37 U.S. 657 (1938). The statute designated the federal government charges, THAT IF A CRIME DOES NOT AUTHORIZE CONCURRENT JURISDICTION. See ADAMS v. UNITED STATES, 87 L. Ed. 1421. The jurisdition to determine jurisdiction doctrine authorizes courts to issue ancillary orders while determining their own jurisdiction doctrine authorizes criminal concept, the violations of such orders, even though it may later be determined that the court lacks jurisdiction over the proceedings. [WHEN A COURT ASSUMES JURISDICTION BUT LATER DISCOVERS THAT IT HAS NO SUBJECT MATTER JURISDICTION, THE COURT MUST TAKE APPROPRIATE ACTION, ALTHOUGH IT ACTED IN ACCORDANCE WITH ITS PREVIOUS BELIEF THAT IT HAD JURISDICTION.] See AMERICAN JURISPRUDENCE 2d COURTS 60 Page 377. JURISDICTION, TO RENDER A JUDGEMENT IN A PARTICULAR CASE OR AGAINST A PARTICULAR PERSONS MAY NOT BE PRESUMED WHERE THE RECORD ITSELF SHOWS JURISDICTION HAS NOT BEEN ACQUIRED. See OLD WAYNE MUT LIFE ASSO. v. MCDONOUGH. 204 U.S. 8, 51 L. Ed. 345, 27 S.CT. 236. Heance a fact connrcted with jurisdiction to render a judgement may not be in the face of statements to the contrary in the record.

***** CONTROVERSY *****

QUESTIONS PRESENTED FOR REVIEW:

[12.] Appellant presents four (4) questions to this Honorable Court
A.) This Court must determine whether the "ACT" of the 14th Constitutional Amendment U.S.C.A., was properly approved and adopted?
B.) And if the 14th Constitutional Amendment U.S.C.A. was properly approved and adopted, this Court must also determine if it is also being Unconstitutionally applied against the Appellant, Michael-Trent: Barnes, a de jure State Citizen of California?
C.) Can prosecution bring forth proof that Appellant has knowingly and willfully surrendered his original status as a Common Law "California State [C]itizen"?
D.) If prosecution cannot bring forth proof of "In Personam Jurisdiction" as stated in "C" above, then this Court must determine if this matter was not void ab initio, and dismiss this action in the interest of justice, for lack of jurisdiction, and release Appellant from unlawful incarceration?

[13.] Appellant's Brief in Support is directly attached, Statement of Status and Jurisdiction, Arguments, Memorandum of Law, Conclusion and Certifcate of Service(s). NUMBER OF PAGES ATTACHED Fourty one (41).

WHEREFORE, Appellant prays that this Honorable Court Grant Certificate of Appeal ability. 28 U.S.C. §2253., Jurisdiction has been formally challenged and has not been prove and is a "Constitutional requirement", it is obivious the court is/was without "In Personam Jurisdiction", therefore appelant is imprisoned under a'VOID JUDGEMENT' appellants liberty is under immediate and future threat and at stake. Appellant requests in personam jurisdiction be proven, if not, Appellant request release from a VOID ORDER, CAUSING IMPRISONMENT FROM SAME TO BE FALSE. Appellant furthermore states the following: [continues as stated in #13 above]

STATEMENT OF STATUS AND JURISDICTION

[I.] The Appellant Michael-Trent: Barnes, who enjoys the status of a Caucasion (white) Citizen of the California Republic with Common Law Rights (unalienable) by descendantcy of birth, with no trace of mis-cegenation within my family tree, as a member of the sovereign political body (See Dred Scott v. Sanford, 19 How. 393 404 (1856) and who enjoys these unalienable Common Law Rights by birth, is not a "[c]itizen of the United States" under the so-called 14th Amendment. Thus jurisdiction is invoked per the Magna Carta, Chapters 61, 63; the Declaration of Independence, July 4, 1776; the Preamble to the Constitution for the [u]nited States of America, 1787 and the Bill of Rights 1791; and the California Republic's Constitution 1849; and Marbury v. Madison, 5 U.S. 368 (1803).

ARGUMENT

[II.] THE 14th AMENDMENT WAS NOT PROPERLY APPROVED AND ADOPTED ACCORDING TO THE MANDATES OF THE CONSTITUTION AND THE MAXIMS OF LAW; IT DID NOTINCLUDE THE WHITE CITIZENS OF THE SEVERAL STATE, AND DID NOT AUTHORIZE CONGRESS TO ABOLISH THE INTENT AND MEANING OF THE ORIGINAL CONSTITUTION (1787) OR TO THE, NEW CONSTITUTION UNDER THE 14th AMENDMENT, THEREBY DEPRIVING THE APPELLANT Michael-Trent: Barnes, A WHITE DE JURE, STATE CITIZEN, OF HIS UNALIENABLE RIGHTS TO LIFE, LIBETY AND PROPERTY.

POINT 1

[III.] The Appellant, Michael-Trent: Barnes, was indicted under a fictitious name and status, and do to coercion and duress, pled guilty scarèficing himself to prevent the threat being brought against his property and children, under the purview of the so-called 14th Amendment.

Therefore, the constitutionality and the application of this so-called amendment is brought squarely before this Court.

[IV.] The so-called 14th Amendment is invalid because it was NOT properly approved and adopted according to the provisions of Article V of the Constitution (See House Congressional Record for June 13, 1967, pages 15641-15646).

[v.] The so-called Fourteenth Amendment is was forced upon the People "at the point of a bayonet" and by coercion that resulted from not seating various U,S. Senators who would not vote in favor of the proposed amendment, and by various other improper proceedings too numerous to mention here (for details, se 28 Tulane Law Review 22; 11 South Carolina Law Quarterly 484). It is apparent that, once a fraud is perpetrated, the fraud enlarges from the effort to maintain illegitimate power and to conceal its legal effect upon the invalidity of the so-called 14th Amendment.

[VI.] The so-called 14th Amendment "cannot and does not terminate the Constitutional intent of de jure State Citizenship of the Appellant Michael-Trent: Barnes. Thereis ample evidence that no court has ever held that this "Amendment" was properly approved and adopted. See, in particular, State v. Phillips, 540 P.2d 936 (1975); Dyett v. Turner, 439 P.2d. 266 (1968).

POINT 2

THE ACCUSED's DE JURE CITIZEN SHIP CANNOT BE TAKEN AWAY

[VII.] The presumed 14th Amendment is illegally applied to the Appellant Michael-Trent: Barnes, a male Caucasian born upon the land of the Republic "California" is now and always a Citizen of California by birth. The Appellant was never within the intent or meaning of the so-called 14th Amendment and never required statutory citizenship in the District of Columbia for my protections. "It may be stated, as a general principle of law that it is for the legislature to determine whether the condictions exist which warrant the exercise of power; but the question as to what are the subjects of its exercise, is clearly a judicial question. One may be deprived of his liberty, and his constitutional rights thereto may be violated, without actual imprisonment or restraint of his person'. [In re Aubrey, 36 Wn 308, 314-314] [78 P. 900 (1904), emphasis added]

[VIII.] The most important thing to be determined is the intent of Congress. The language of the statute may not be distorted under the guise of construction, to be repugnant to the Constitution, or to defeat the manifest intent of Congress. United States v. Alpers, 338 U.S. 680, 94 L.Ed. 457, 460; United States v. Raynor, 302 U.S. 540, 82 L. Ed. 413, 58 S.Ct.353 (1938)

[IX.] Citizenship is a status or condition, and is the result of both act and intent. 14 C.J.S. Section 1, p. 1130 n. 62.

[X.] 14th Amendment federal citizenship is a political status which constitutes a privilege which may be defined and limited by Congress, Ex Parte (Ng) Fung Sing, D.C. Wash., 6 F.2d. 670. There is a clear distinction between federal and State citizenship, K. Tashiro v. Jordan, 256 P. 545, 201 Cal. 239, 53 A.L.R. 1279 (1927), affirmed 49 S.Ct. 47, 278 U.S. 123, 73 L.Ed. 214; see also 14C.J.S. 2, p. 1131, n. 75.

[XI.] The classification "[c]itizen of the United States" is distinguished from a "[C]itizen of one of the several States", in that the former is a special class of [c]itizen created by Congress, U.S. v. Anthony, 24 wed 829 (1873). AS such, a "[c]itizen of the United States" receives created rights and privileges from Congress, and thus has a "taxable [c]itizenship" as a federal citizen under the protection and jurisdiction of Congress, wherever such [c]itizens are "resident". Cook v. Tait, 97, 44 S.Ct. 447 (1924); 11 Virginia Law Reveiw 607, "Income Tax Based Upon Citizenship". This right to tax federal citizenship is an inherent right under the rule of Law of Nations, which is part of the law of the "United States", as prescribed in ArticleI, Section 8, Clause 17 (I:8:17) and Article IV, Section 3, Clause 2 (IV:3:2). The Lusitanian, 251 F. 715, 732 (1918). The federal government has absolutely no authority whatsoever to tax the Citizens of the several States for their Citizenship. The latter have natural Rights and Privileges, which are protected by the U.S. Constitution from federal intrusion. These Right are inherent from birth and belong to We the People, as [C]itizens are not under the direct protection or jurisdiction of Congress, but are protected by the Constitutions for the [u]nited States of America now 51 in number. The "Con" entrapment comes from mis-information about the Social Security Act, and other licenseing schemes which inform the general public that all must, apply, this lie is nothing short of fraud.

[XII.] The Act of Congress called the Civil Rights Act, 14 U.S. Statues at Large, p. 27, which was the forerunner of the so-called 14th Amendment, amply shows the intent of Congress, as follos: "... [A]11 persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United State; and such citizens, of every race and color... shal have the same right,in every State and Territory in the United States ... to full and equal benefit of all laws and proceedings for the security of person and property, as enjoyed by white citizens...[emphasis added] Obviously the intent of Congress, was not to infringe upon the Constitutional Rights or status of the dejure Citizens of the several States. The term "persons" did not include the white de jure States Citizens. It was never the intent of the 14th Amendment to subvert the authority of the several States of the Union or that of the Constitution as it realates to the status of de jure State Citizens. See People v. Washington, 36 C. 658, (1869), overruled on other grounds; also Trench v. Barber, 181 U.S. 324 (1901); Mac Kenzie v. Hare, 60 L. Ed. 297.

[XIII.] The so-called 14th Amendment uses language very similar to the Civil Rights Act of 1866. Justice Harlan explained his interpretation of its meaning in a dissenting opinion which quoted from the scorching veto message of President Johnson, Lincoln's successor: It "comprehends the Chinese of the Pacific States, Indians subject to taxation, the people called Gypsies, as well as the entire race designated as blacks, persons of color, negroes, mulattoes and of African blood. Every individual of those races born in the United States is made a citizen thereof." Elk v. Wilkins, 112 U.S. 94, 114, 5 S.Ct. 41, 18 L.Ed. 643 (1884); see also In re Gee Hop, 71 Fed. 274 (1895).

[XIV.] In light of the statement by Chief Justice Taney in Dred Scott v. Sanford supra at 422, in defining the term "persons", the Judge mentioned "... persons who are not recognized as citizens..." See also American and Ocean ins. Co. v. Canter, 1 Pet. 511 (1824), which also distinuishes "persons" from "citizens". These were the persons who were the object of the 14th Amendment, to give citizenship to this class of native-born "persons" who were "resident" in the several States, and to legislate authority to place races other than white race within the special category of"[c]itizen of the United States".

[XV.] Congress has adopted this definition of "person", as previously described, so that the "Codes" would be constitutional. Se McBrier v. Commissioner of Internal Revenue, 108 F.2d 967, Footnote 1 (1939). Thus, Congress has absolute authority to regulate this de facto entity created by an Act of Congres, this juristic person who is not given de jure State Citizenship by birth. But I was given de Jure State Citizenship.

[XVI.] It was the intent of the so-called fourteenth Amendment that de jure Citizens in the several States were not included in its terminology because they (I) were/was from birth,by birthright, [C]itizens as defined in the Preamble, and could receive nothing from this so-called amendment. See Van Val.kenburg v. Brown, 43 Cal Sup. Ct. 43 (1872).

[XVII.] Since the term "[c]itizen of the United States" was used to create and distinuish a differnt class of citizen in the 14th Amendment, this term has been widely used in various acts, e.g. Tariff Act of August 5, 1909, Section 37, c. 6, 36 Stat. 11; Act of September 8, 1916, 39 Stat. 756; Revenue Act of November 23, 1921, 40 Stat. 227; the Internal Revenue Code of 1939; and26 CFR 1.1-1(b). These all had a specific meaning, which did not include a [C]itizen of one of the several States who had no franchise with the federal Government (e.g. the District of Columbia). In fact, the Social Security Act, 49 Stat. 620, Title I, Section 2(b) states: " The Board... shall not approve any plan that imposes, as a condiction of eligibility for old-age assistance under the plan - Any citizenship requirement, which excludes any citizen of the United States.

[XVIII.] This specifically means that the Original Social Security Act, created in 1935, did not change one's Citizenship upon obtaining a SSN. The Original Title VIII of the Social Security Act was repealed by P.L. 76-1, Section 4, 53 Stat. 1, and effective Febuary 11, 1939. Then the substance was added to the 1939 Income Tax Code at Sections 1400-1425. Currently, the substance of the repealed section can be found in the 1954 Internal Revenue Code at Sections 3101-3126. This repealing, in effect, has voided the original intent and meaning, and replaced it with a new intent and meaning. This new intent is unconstitutionally applied to the Appellant, a de jure State Citizen, who is a member of the Posterity as identified in the Preamble to the Constitution for the [u]nited States of America. This new intent has never been addressed by any court, as it relates deprivation of State Citizenship.

[XIX.] All changes made after the fact, under the Social Security Act as it relates to Citizenship, are null and void due to fraud (specifically, non-disclosure). Congress does not now nor has ever had the power the authority to take [C]itizenship away from the Appellant, a [C]itizen of the several States, without his knowledge and informed consent.

[XX.] The error when, through economic duress and failure to disclose to Appellant Michael-Trent: Barnes, the liabilities associated with a Social Security Number, a de jure State Citizen is then compeled "at the point of a bayonet", without disclosure, to give up a Citizenship that was derived by birth and blood. When this undisclosed liability was discovered by the Appellant, I, canceled all contracts, resinded all signatures, and repudiated such Nunc Pro Tunc, ab initio, for cause. By the obtaining, what is told to us a mandatory, a Social Security Number, such State Citizens become, in effect, statutory second class [c]itizens under the so-called 14th Amendment, trading un-a-lien-able Rights for privileges civil rights, in order to obtain work to purchase necessities of life.

[XXI.] The so-called 14th Amendment was not intended to impose any new restrictions upon [C]itizenship or to prevent anyone from becoming a [C]itizen by fact of birth within the [u]nited States of America, (in fact milions flocked, because of that dream for their childern) who would thereby acquire Citizenship according to the law existing before its adoption. "An amendatory act does not alter the rights existing before its adoption." Its only, main, purpose was to establish the citizenship of freed negroes, and to put it beyond any doubt that all blacks as well as white were citizens. (vast and numerous cites omitted).

[XXII. The First Clause of 14th Amendment of the Federall Constitution made negroes "[c]itizens of the United States" and citizens of the State in which they reside, and thereby created two classes of citizens: one of the United States (District of Columbia) and the other of the State 4 Dec. Dig '06, page 1197; Cory v. Carter, 48 Ind. 327, 17 Am. Rep 738; and it distinguishes between federal and state citizenship, Frasher v. State, 3 Tex. App. 236, 30 AM. Rep. 131.

[XXIII.] Nothing can be found in the so-called 14th Amendment or in any referance thereto, that establishes any provision that transforms Citizens

of any Union State into "citizens of the United States". In the year 1868 or now (2006), the so-called 14th Amendment creates no new status for the white State Citizens. White State Citizens a natural born [C]itizen, per Article II, Section 1, Clause 5 (II:1:5) and as such they are fully entitled to the Privileges and Immunites mentioned in Article IV, Section 2, Clause 1, (IV:2:1), as un alienable rights (which you pledged to protect by your Oath of OFFICE, and your Bond is in place to indemnify). These unalienable rights cannot be taken away, overruled or abolished by Acts of the President, Congress or the Courts no authority was given.

[XXIV.] The birthright of the Appellant Michael-Trent: Barnes's de jure State Citizenship cannot be subordinated merely because Congress desires more power (than delegated) and control over the people, or in order to create a larger re-venue base for the profit of certain individuals. (See Oyama v. California, 332 U.S. 633 (1948). State citizenship, as defined, regulated and protected by State authority, would disappear altogther, except as Congress might choose to withhold the exercise of powers. The tendency of Congress, especially since the adoption of the recent amendments, has been to overstep its own boundaries and undertake duties not committed to it by the Constitution. [16 Albany Law Journal 24 (1877).]

POINT 3

[XXV.] In the formation of the Constitution for the [u]nited States of America, care was taken to confer no power upon the federal government to control and regulate [C]itizens within the several States, because such control would lead to tyranny.

[XXVI.] A [C]itizen may not have his de jure [C]itizenship taken away, Richards v. Secretary of State, (9th Cir) 752 F.2d 1413, (1985); Afroyim v Rusk, 387 U.S. 253, 87 S.Ct. 1660, 18 L.Ed. 2d 757 (1967); Baker v. Rusk, 296 F. Supp. 1244 (1969); Vance v. Terrazas, 444 U.S. 252, 100 S.Ct. 540, 62 L.ED. 2d. 461 (1980); U.S. v. Wong Kim Ark, 169 U.S. 18 S. Ct. 456, 42 L.Ed. 890 (1898).

[XXVII.] By the Constitution, Congress was delegate to be a representative of, and an extension of the Several States only for external affairs. Congress was forbidden to pass municipal laws to regulate and control de jure Citizens of a State of the Union of the [u]nited States of America.

[XXVIII.] That Congress has no authority to pass laws and bind the rights of Citizens in the several States, beyond the powers conferred by the Constitution, is not even open to controvesy. But, it is instisted that (1) under the so-called 14th Amendment, Congress has, all of a sudden been aquired power to legislate for, (denying self government) and make a subject/slave of, the Appellant Michael-Trent: Barnes through secret interpretations of law and (2) by force of power, fraud, Dolus malus, laws are enacted in order to deceive and control, the Nation and the People within the several States for the purpose of raising re-venue for the profit of the Federal Reserve banks and their private owners.

[XXIX] No rational man can hesitate to believe that the deprivations of Citizenship and abuses of the Constitution are not derived from the Quisling pupetmasters, and the Federal Reserve Act. No one can deny that those same Quislings caused the Great Depresion to gain control, and that Congress attempts to abolish the classification of de jure [C]itizen of the several States, so might Congress exclude all of Michael-Trent: Barnes, un -a-lien-able Rights.

[XXX.] Congress, through Social Security and 14th Amendment, cannot do indirectly what the Constitution prohibits directly. If Congress, by Pseudo Power, can legislate away un-a-lien-able rights, and the status of de jure [C]itizens of the several States, so might all men become nothing more than slaves working on the plantation, the idea is so re-pugnate as to wonder, who do they worship = obey!

[XXXI.] By the Social Security and the Federal Reserve banks, creating a fictious debt, (see I, question the validity of the national debt prove-ing I am not a 14th Amendment citizen) they have instilled an insidious form of slavery. (by the way someone loaning you an I.O.U. = Federal Reserve Note, does not create a debt as the F.R.N. is worthless and only an I.O.U. anyway) All slavery has its origins in evil ideas of power mad individuals, thus usurping a jurisdiction which does not belong to them and which is against the good of man kind.

[XXXII.] Our Constitution was/is a restraint upon government, purposely provided in international contract, and declared openly to all the world that our public servants will consider all the consequences which prohibit and permits, making restraints upon agents of government the rights of

of those consenting to be governed. This careful adjustment of power can not survive without those who formed this government the de jure [C]itizens of the several States. The Constitution was intented to be and is, namely, a real charter of liberty which deserves the praise that has often been given it and its protection that is why you sweare an Oath to uphold and protect it as a condiction of your employment.

[XXXIII.] Thus, this court shall uphold the principles upon which the Constitution was founded; it shall be held to guarantee particular forms of procedure, but the very substance of dual Rights to life, liberty and property. Basic "State Citizenship", is the absolute bulwark against a "Federal Tyranny" as is fostered and applied through the so-called 14th Amendments mis-application. Nowhere in the debates, papers or any court decision written by anyone does it state that the Constitution authorizes Congress to destroy the State Citizenship of the Appellant Michael-Trent: Barnes.

[XXXIV.] Prior to the Federal Reserve Act, no political endeavor was ever wild enough to think of breaking down the lines that, separate the States, and of compounding the American People into one common mass of slaves. Yet, this is exactly what is happening under the Social Security Act, by creating a re-venue base for the collection of interest on a fictional national debt owed to the Federal Reserve banks, for them loaning I.O.U.'s, in other words, slavery to the fictional national debt under the so-called 14th Amendent.

[XXXV.] The status of "de jure State Citizen" is Michael-Trent: Barnes's property. When the inticement of application of Social Security annihilates the value of any property and effectively strips it of its attributes, by which alone it is distinuished as property, the Appellant Michael-Trent: Barnes, a de jure State Citizen, is deprived of it according to the plainest interpretation of the Amendment, and certainly within the Constitutiona provisions, your Oath is intended to shield, Michael-Trent: Barnes's personal Rights from unjust usurpation from the mis-application and abuses of the exercise arbitrary government power.

[XXXVI.] This is a case of "suspect classification", by assumption or presumption, in that the Appellant, Michael-Trent: Barnes, was/is

"saddled with such disabilities... as to command extraordinary protection from the majoritarian process..." 411 U.S. 2, 28.

[XXXVII.] Thus, the devolution of Michael-Trent: Barnes into slave, involuntary servitude, without notice, or recourse, by whim of assumption, by simply "suspect clasification" as that of a 14th Amendment [c]itizen, needs review in the light of the original intent of our Founding Fathers in establishing the Union of several States in the first place.

[XXXVIII.] Citizenship under the so-called 14th Amendment is a privilege granted by Congress, to a people who did not have such privlege before, it is a civil status conferring limited rights and privileges, not a birthright given by our Creator, and secured by Oath to the Constitution. Michael-Trent: Barnes, a white de jure Citizen, by virtue of his birth in one of the several States of the Union "California", recieved that which cannot be granted by Congress, nor can Congress make void a Citizenship status which is derived by birth and blood. ... [A]nd no member of the State should be disfranchised, or deprived of any of his rights or privileges under the Constitution unless by law of the land, (common law) or Judgement of his peers. [Kent's Commentaries, Vol.II, p. 11]

[XXXIX.] There can be no law, statute or treaty that can conflict with the intent of the original founding Constitution. For, if this were permitted to occur, the founding Constitution would be a nullity. The original Constitution of 1787 is perpetual, as is the Citizenship that is recognized by it See Texas v. White, 7 Wallace 700 (1869). If any legislation is repugnant to the Constitution, this Court has the eminent power to declare such enactments null and void ab initio. See Marbury v. Madison, 5 U.S. (1Cranch) 137, pages 177-180 (1803).

[XXXX.] The rule that should be applied is that laws, especially foundational laws such as our Constitution, should be interpreted and applied according to the plain import of the language used, as it would have been the intent and understood by our Founding Fathers. The assumption that anyone would want to trade in their un-a-lien-able rights for those civil rights granted by Congress is ludicrous. The ulterior motive of taking pseudo power where no power was granted by fiat use of assumption, must be questioned, how many are decieved in this manner?

[XXXXI.] This has resulted in the complete annihilation of the carefully designed checks and balances, by use of an legiislative tribunal, and administrative process the "Law" is never "Challanged". Nor can it be, because its design is only to be applied to those who cannot challenge the Law. One of these checks is the sovereignty of the People. If, at the present time, the"United States", under Article I, Section 8, Clause 17, has extended its pseundo authority to abolish the status of de jure State Citizens, then what are we now but a fascist State, and by decree steal all of our un-a-lien-able rights without a shot fired, without any hung for their treason. I do not believe so, a mistake was made in the case of not correctly identifing me as the de jure State Citizen, I, the Appellant am, this has had the unlawful effect of denying Michael-Trent: Barnes's birth right's to be the freeborn de jure State Citizen as was intended by our original Constitution.

[XXXXII.] The so-called 14th Amendment did not authorize Congress, the Courts or the Administation, to change or abolish either Citizenship or the staus of Citizens of the several States. "They are unaffected by it." U.S. v Anthony, 24 Fed. Cas. (1873). Yet, through mistake or deliberate misinterpretation of the Act, Congress, the Courts, and the Administration has acted by mis-application of Statute to overrule and void the Constitution. This has been done at the prompting of the private owners of the private Federal Reserve banks.

[XXXXIII.] In application, Congress, the Courts and the Administration in concert with the private owners of the Federal Reserve banks, have used a malicious scheme of Dolus dans locum contractui, to pretend that the State Citizens would rather be federal slaves, than free sovereigns because they used false/fraudulent means to intice into un-necessary agreements and/or contracts, creating a cestui que trust solely for their own benefit,.

[XXXXIV.]This Union of the [u]nited States of America was founded upon the principles of the Scriptures and the common law. Force and fraud cannot prevail against the will of the people and the Constitution. The legislative intent of the so-called 14th Amendment was only to grant statutory citizenship to a distinct class of people, not to create a new constitution. This court shall determine whether the "Act" was properly approved and adopted, this court shall also determine if it is

also being unconstitutionally applied against the Appellant Michael-Trent: Barnes, a de jure State Citizen by birth and blood, a Californian.

[XXXXV.] The abuses heaped upon the Appellant, a California Republic, State Citizen, may foretell of the impending doom and downfall of our nation, do to the thirst for power. Our Founding Fathers understood this, and the Constitution was written so this would not occur. Nevertheless, we are here, to the great shame of our judicial system, the Appelant needs to call upon your Article III Oaths to uphold the Constitution and protect the most fundamental concept of In Personam jurisdiction, from the abuses of arbutary assumption/presumption without proof or even the chance to challenge any alledged evidence, brought forth.

[XXXXVI.] Hitler used National Social Insurance to control and enslave the people of Germany. Likewise, the "United States" (Article I,Section 8, Clause 17) is doing the same thing here in America. When will you say, enough is enough? Or will your defense at the next Neuenburg, I was only doing what I was told to do, that went over real well lasttime. If you do not see what is occurring by now, and move to correct the problem it may be to late for you to try when the gun is at your back.

[XXXXVII.] Congress passed the 14th Amendment by force of arms, extending municipal codes for the District of Columbia, usurping powers delegated to the States. Now through force, fraud, duress, coercion and by mere assumption have declared the Appellant, nothing more than a juristic person, a corporation, a slave, without Rights to the religion of my choice.

[XXXXVIII.] Michael-Trent: Barnes, a de jure natural State Citizen, is in full possession of all personal and political Rights, which the "United States" (Article I,Section 8, Clause 17) did not create or give and can not take away. See Dred Scott v. Sanford supra at 513; Afroym v. Rusk, 387 U.S. 253 (1967); U.S. v. Miller, 463 F. 2d 600 (1972). Nor is the Appellant, being a de jure State Citizen, restrained by any enumeration or definition from his Rights or liberties, by the so-called 14th Amendment which does not impair or change the status of de jure Citizens of the several States in the Union of the [u]nited States of America. This assumption is blatantly and demonstrably absurd, and its construction cannot be enforced or adopted by any local authority whatsoever.

[XXXXIX.] The municipal jurisdiction of Congress does not extend to the Appellant or to his private property, besides being de jure State Citizen Appellant is Secured Party over the "Res." juristic person MICHAEL TRENT BARNES® ens legis. This is the case of intentional mis-identification, with the intent to subjugate my Religious Freedoms. The municipal jurisdiction of Congress only extends to the limits as defined in the Constitution itself (see I:8:17 and IV:3:2). Where rights are secured by the Constitution there can be no legislation or rule making which would abrogate them. [Miranda v. Arizon, 384 U.S. 436] if that applies to civil rights the it applies to the un-a-lein-able Right that the Constitution is founded upon. Thus, the Citizenship of the Appellant as a Citizen of California must be upheld and protected, as your Oath commands and this court shall uphold this principle of law. THE PREAMBLE AND THE UNITED STATES CONSTITUTION ARE IN FULL FORCE AND EFFECT. THEREFORE, CONGRESS NOR THE COURTS, NOR THE EXECUTIVE's AGENTS, CANNOT DEPRIVE A WHITE STATE CITIZEN OF HIS DE JURE STATE CITIZENSHIP AS A MEMBER OF THE POSTERITY, AS WAS THE INTENT DEFINED IN THE PREAMBLE, by force, fraud, assumption or presumption.

POINT 1

[XXXXX.] The Preamble to the Constitution for the [u]nited States of America declares the intent and purpose of the covenant:

We, the People of the United States, in Order to form a more perfect Union, establish justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish the constitution for the [u]nited States of America. [Preamble]

Justice Story, in his Commentaries on the Constitution, expounded on the importance of this Preamble: The importance of examining the preamble, for expounding the 'language of a statute has been long felt, and conceded in all judicial discussions. It is an admitted maxim in the ordinary course of the administration of justice, that the preamble of a statute is a key to open the mind of the makers, as to the mischief, which are to be remedied, and the objects, which are to be accomplished by the provisions of the statute. We find it laid down in some of our earliest authorities in the common law; and civilians are accustomed to a similar expression, cessante ratione legis, cessat et ispa lex.

Probably it has a foundation in the exposition of every code of written law, from the universal principle of interpretation, that the will and intention of the legislature is to be regarded and followed. It is properly resorted to, where doubts or ambiguities arise upon the words of the enacting part; for if they are clear and unambiguous, there seems little room for forinterpretation, except in cases leading to an obvious absuridity, or to a direct overthrow of the intention expressed in the Preamble. [Commentaries on the Constitution of the United States] [Joseph Story, Vol. 1 De Capo Press Reprints (1970)] At pages 443, 444

[XXXXXI.] With the authority of Justice Story, we examine the wording of the Preamble as to the term "Union". The term "Union" as used in the Preamble as used, is evidently the one declared in the Declaration of Independence (1776) and organized in accordance with "certain articles of Confederation and Perpetual Union between States "Republics" which declared, "the Union shall be perpetual." See Texas v. White, 7 Wall. 700 (1869).

[XXXXXII.] The Union of the States never was a purely artificial and arbitrary relation. It began among Colonies, and grew out of Common original, mutual sympathies, kindred principles, similar interest, and geographical relations. It was confirmed, strengthened by the necessities of war, and received definite form, and character, and sanction from the Articles of Confederation. By these, the Union was solemnly declared "Perpetual". And when these Articles were found to be inadequate to the, exigencies of the country, the Constitution was ordained "to form a more perfect union." Is it difficult to comprehend the idea of an indissoluble union, "perpetual Union"

[XXXXXIII. The perpetual and indissoluble Union of Republics "States" Under the Articles of Confederation, each State retained its sovereignty they were delegated from the People the fount of Sovereignty in our country, and the freedom for independence not (majority Mob rule, commanded by the District of Columbia. Under the Constitution, though, the powers of the States were much restricted, still, all powers not delegated to the "United State" (I:8:17), nor prohibited to the State, are reserved to the States respectively or to the people. Without the States being in Union, there could be no such political body as the United States. Not only must the State exist, but the sovereign People who established it.

[XXXXXIV.] When, therefore, Texas became one of the United States, she entered into an indissoluble relation. All the obligations of a perpetual union, and all the guarantees of a republican form of government within the Union, attached at once to the State. The Act, which consumated her admission into the political body. It was final. The union between the original States was as complete, as perpetual, and as indissoluble as the union between all later States to joim. There was/is no place for re-consideration, except through revolation, or through consent of the State. [Texas v. White, 7 Wall. 700, 723-726 (1869)] Similarly, the term "establish", as used in the Preamble, means fix perpetually: STAB'LISH...
[1.] To set and fix firmly or unalterable; to settle permanently. I will establish my covenant with him for an everlasting covenant. Gen. 10:7
[2.] To found permanently; to erect and fix or settle; as, to a colony or empire.
[3.] To enact or decree by authority and permanence.
[4.] To settle or fix; to confirm.
[5.] to make firm; to confirm; to ratify what has been previously set or made. Do we the make void the law through faith? Forbid; yeah, we establish the law. Rom. 1;11.
[An American Dictionary of English Language][Noah Websters (1828), re-printed by][Foundation for American Christian Education (1967)]
This word "ESTABLISH" occurs frequently in the Constitution for the [u]nited States of America and it is used in different meanings:
[1.] To settle firmly, to fix unalterable; as to establish justice, this is the avowed object of the Constitution...
[2.] To settle or fix firmly; place on a permanent footing; create; put beyond doubt or dispute; prove; convince...
[Black's Law Dictionary supra, at page 642]

Thus, if the Union is perpetual, the so too is the founding law upon which that Union was predicated in the first place, and so too is the Sovereign's which established, an unalienable is the Citizenship recog-nized therein.

Point 2

THE ORGANIC LAW AND THE UNION FOUNDED THEREON ARE PERPETUAL

[XXXXXV.] The founding law of the nation is perpetual, and the authority upon which the continued existence of the nation itself is predicated.

As such, the founding Law carries universal authority and cannot be overthrown or subverted without repudiating the very existence of the nation established thereby.
ORGANIC LAW: The fundamental law, or constitution, of a state or nation, written or unwritten; that law or system of laws or principles which defines and establishes the organization or its government. St Louis v. Dorr, 145 Mo. 466,46 S.W. 976, 42 Lra 686, 68 Am St Rep 575 [Black's Law Dictionary, 4th Ed., West Pub. (1968),p 1251]

[XXXXXVI.] The authority of the organic law is universally acknowledged; it speaks the sovereign will of the people; its injunction regarding the process of legislatio is as authoritative as those touching the substance of it. Suth. Statutory Construction 44 note 1, "This Constitution ... shall be the supreme Law of the Land..." Article 6, Constitution for the [u]nited States of America (1787).

[XXXXXVII.] That the people have an original right to establish, for their future government, such principles as, in their opinion, shall be most conductive to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of the original right is a very great exertion, nor can it, nor ought it to be frequently repeated. The Principles, therefore, so established, are deemed fundamental. To the authority, from whic they proceed, are supreme, and can seldom act, they are designed to be permanent.

[XXXXXVIII.] The original and supreme will of the de jure sovereign people organized the government, and assigned, different departments, and gave the respective powers, under common Law. The Declaration of Independence is an un-rebutted mass assuretaion, before the world. All of the organic documents were of common law origin, and perpetual, not to be judged as civil, "Roman" in nature but define. Those powers were limitted and only the measure of sovereignty that was given was received.

[XXXXXIX.] The government of the United States, was delegate limited powers. The powers of legislature are defined, and limited; and those limits may not be mistaken, or forgotten, the Constitution is written. The purpose the powers are limited, is self-evident, The abuse of power was what caused our seperation in the first place. If the whim of agents

of the government, can pass, or avoid the limitations set by use of fraud, assumption or presumption, there is anarchy. If those set to watch over, condone or excuse, that is treason, and the distinction, betwee a government with limited powers and that of a fascist state. It has always been plain that a legislative act repugnant to the Constitution is void ab initio, but so is an administrative act, or a judical. Judicial acts without jurisdiction are null and void, from their inception.

[XXXXXX.] The Constitution is either a superior, paramount Law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and as such, alterable at whim.

[XXXXXXI.] If supreme, then acts, contrary are null and void, ab initio, like as the Supreme Court decided long ago in Malbury v. Madison. If not supreme the they are absurd attempts, on the part of the people to control anarchy. Certainly all those who framed and wrote the Constitution (s) contemplated a perpetual document, and to those ends a degree of sovereignty was give by the People to an imaginary construct of human thought to form such an entity. If on the other hand government is nothing more than a corporation, it has absolutely no sovereignty, sovereignty can only be vested in the living, not the imaginary!

[XXXXXXII.] If then the courts are to regard the constitution, as superiour to ordinary legislative acts, or even corporate rules, the constitution must govern not private rules, or even legislative acts if they are at all contary to the principles laid out in the Constitution.

[XXXXXXIII.] If through some mis-con-seption, our founding document is mis-con-struded to be only a contract under "Roman" law they have missed the whole point of representation. My ancestor's were present upon this continent for about 100 years before the revolution, when they help choose delegates to governmental foundational meeting they were represented at those meetings, their voice and signature is found within those very documents in perpetuate and I am that posterity. Those then who would cotrovert the principle that the Constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that the courts their eyes on the Constitution, and see only the law. [Marbury v. Madison, 1 Cranch 137[[pages 176-78 (1803)]

AN INDICTMENT IS INSUFFICIENT TO SUSTAIN A CONVICTION, IF IT USES WORDS OF NUMEROUS MEANINGS, SO AS TO BE VAGUE AND AMBIGUOUS, SO THE DEFENDANT IS UNCERTAIN OF SECRET AND SPECIFIC MEANINGS, THEREBY BEING DENIED A DEFENSE.

[XXXXXXIV.] I had prepared my case as who I am, a common law [C]itizen of the several States, I was challenging the law as un-constitutional, violating My First Amendment Right to the Religion of my choice. Because I only understood my laws scriptual and common. When the court proceeded in a jurisdiction unknown to me, I was at a lost, detrimental to being able to defend. By the use of secret code words "resident", "ALL CAPITAL" LETTER NAMES. the court assumed jurisdiction by deception, without a hearing, or by fraud and deception. I requested a "Bill of particulars" they refused, I was left with only one option as it was evident I would not be allowed to put on a defense, as that by undeclared assumption, I had aquired a citizenship that was foreign to what I understood to be mine, without any clarification of how I could even be assumed as such.

[XXXXXXV.] "The jurisdiction of a federal court must affirmatively and distinctly appear and cannot be helped by presumption or argumentive inferences drawn from the pleadings." Norton v. Larney, 266 U.S. 511, 515, 45 S.Ct. 145, 69 L.Ed. 413 (1925). See also Bender v. Williamsport Area Schools District, 475 U.S. 534, 1-06 S.Ct. 1326, 1334, 89 L.Ed.2d 501, rehearing denied, 106 S.Ct. 2003 (1986); Nor can a contester's allegations of jurisdiction be read in isolation from the complaint's factual allegations, Schilling v. Rogers, 363 U.S. 666, 676, 80 S.Ct. 1288, 4 L.Ed.2d. 1478 (1960), nor can jurisdiction be effectively established by omitting facts which would establish that it does not exist. Lambert Run Coal Co. v. Baltimore & Ohio R. Co., 258 U,S. 377, 382, 42 S.Ct. 349, 66 L.Ed. 671 (1922). Nor can jurisdiction be "gleaned from the briefs and arguments" of the Plaintiff, Bender supra, 106 S.Ct. at 1334. The burden full to demonstrate jurisdiction clearly falls on the Plaintiff, and failure fully to define the condictions creating some under the ambigous term "resident" is an error.

[XXXXXXVI.] The requirement to prove jurisdiction is particularly important when the government of a foreign state (the UNITED STATES, District of Columbia) brings a criminal charge (or alledged criminal) against a [C]itizen of another State.

[XXXXXXVII.] Where jurisdiction is denied and squarly challenged, jurisdiction cannot be assumed to exist "sub silento" but must be proven. Hagans v. Lavine, 415 U.S. 528, 533, n. 5; Monell v. N.Y., 436 U.S. 633. Mere "good faith" assertions of power and authority (jurisdiction) have been abolished. Owen v. Indiana, 455 U.S. 622; Buts v. Economou, 438 U.S. 478; Bivens v. 6 unknown agents , 403 U.S. 388. Marshalls may not simply attack the Defendant and throw him to a chair and hold him there while the alledged judge yell's I have jurisdiction! That sort of fascist court should not be tolerated, or upheld.

[XXXXXXVIII.] An indictment is "vague" if it doesnot allege each of the essential elements of the crime with sufficient clarity to enable the defendant to prepare his defense. U.S. v. BI-CO Pavers, 741 F. 2d. 730 (1984). Where the defendant must guess at its meaning, it is vague and violates the first essential element of due process. See Connolly v. General Construction Co., 269 U.S. 385, 391, 46 S.Ct. 126, 127, 70 L.Ed. 322 (1926). It is an elementary principle of criminal pleading, that where the definition of an offense, whether it be at common law or by statute, "including generic terms, it is not sufficient that the indicment shall charge the offense in the same generic terms as in the definition; but it must state the species; it must descend to the particulars. 1 Arch. Cr. Pr. And Pl. 291. [U.S. v. Cruikshank, La. 92 U.S. 542, 558 (1872)]

SUMMARY

I, Michael-Trent: Barnes, through your F.reedom O.f I.nformation A.ct, have requested the alleged contract that made me a 14th Amendment United States citizen, none has ever been disclosed. I, have submitted Affidavits and Asservations of my Status, to Agents of government, none have ever been rebutted, (attached is a public Asservation submitted to both house's of Congress. If an "Agent" of government may used fraud, or just assumption or presumption, to uphold "In Personam Jurisdiction", what safeguards are left, I, Michael-Trent: Barnes, "Squarely Challenge the claimed In Personam Jurisdiction" in alleged Case 03-00502-SOM. I pray for justice!

EXECUTED THIS 10th DAY OF First MONTH, 2007 C.E.

Respectfully Submitted,

/s/ Michael Trent: Barnes,

Michael-Trent: Barnes - Appellant Citizen